

110TH CONGRESS  
1ST SESSION

# H. R. 2846

To improve the quality of classroom learning by empowering States to develop performance-based assessments that measure higher order thinking skills.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2007

Mr. YARMUTH introduced the following bill; which was referred to the  
Committee on Education and Labor

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## A BILL

To improve the quality of classroom learning by empowering  
States to develop performance-based assessments that  
measure higher order thinking skills.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Improving Classroom  
5       Learning and Student Performance Act of 2007”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **PERFORMANCE-BASED ASSESSMENT.**—The  
9       term “performance-based assessment” means assess-  
10      ments that evaluate applications of knowledge to

1 real-world tasks. Such assessments are designed to  
2 measure higher order thinking and performance  
3 skills.

4 (2) HIGHER ORDER THINKING AND PERFORM-  
5 ANCE SKILLS.—The term “higher order thinking  
6 and performance skills” means the abilities to—

7 (A) frame and solve problems;

8 (B) find, evaluate, analyze, and synthesize  
9 information;

10 (C) apply knowledge to new problems or  
11 situations;

12 (D) develop and test complex ideas; and

13 (E) communicate ideas or solutions pro-  
14 ficiently in oral or written form.

15 (3) MULTIPLE MEASURES.—The term “multiple  
16 measures” means different sources of evidence of  
17 student learning in a subject or across subject areas.  
18 Such sources of evidence provide multiple opportuni-  
19 ties to demonstrate achievement, are accessible to  
20 students at varying levels of proficiency, and utilize  
21 different methods for demonstrating achievement.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are as follows:

24 (1) To empower States to develop assessment  
25 systems that—

1 (A) are aligned with student learning  
2 standards;

3 (B) provide multiple measures of student  
4 learning, including performance assessments  
5 that assess higher order thinking and perform-  
6 ance skills;

7 (C) include local assessments that provide  
8 timely, diagnostic information about student  
9 learning;

10 (D) are consistent with nationally recog-  
11 nized professional standards for test construc-  
12 tion and test use, including standards of fair-  
13 ness, reliability, and validity;

14 (E) employ principles of universal design  
15 and use appropriately designed assessments and  
16 accommodations for special populations and  
17 English language learners; and

18 (F) are used for purposes for which they  
19 are valid and reliable.

20 (2) To ensure that local assessments include  
21 common assessments developed for use at the school  
22 or district level, and classroom-based evidence ob-  
23 tained from curriculum-embedded assessments. Such  
24 assessments may be used in the State assessment  
25 system when they—

1 (A) assess student learning in light of con-  
2 tent standards, including higher order thinking  
3 and performance skills;

4 (B) meet technical requirements of validity  
5 and reliability;

6 (C) are fair and unbiased;

7 (D) include multiple sources of evidence  
8 about student learning; and

9 (E) can be used to demonstrate student  
10 progress toward and attainment of proficiency.

11 **SEC. 4. GRANTS FOR PERFORMANCE-BASED ASSESSMENT**  
12 **SYSTEMS.**

13 (a) PROGRAM ESTABLISHED.—From funds made  
14 available to carry out this Act, the Secretary shall award  
15 grants to State educational agencies receiving funds under  
16 title I of the Elementary and Secondary Education Act  
17 of 1965 that demonstrate to the satisfaction of the Sec-  
18 retary, based on peer review, that the requirements of this  
19 section will be met, to—

20 (1) enable States (or consortia of States) to col-  
21 laborate with institutions of higher education, other  
22 research institutions, or other organizations to im-  
23 prove the quality, validity, and reliability of State  
24 and local academic assessments, including the devel-  
25 opment or enhancement of State or local perform-

1       ance assessments that can be used for diagnostic  
2       purposes and as part of the State accountability sys-  
3       tem;

4           (2) enable States to develop the capacity of  
5       local education agencies to validly and reliably assess  
6       student academic achievement using multiple sources  
7       of evidence, including school-based performance as-  
8       sessments; and

9           (3) enable States and local districts to develop  
10      the capacity of teachers and school leaders to de-  
11      velop, use, and reliably evaluate the results of lo-  
12      cally-administered performance assessments.

13      (b) MINIMUM AWARD.—Each grant under this sec-  
14      tion shall be for at least \$5,000,000 per year.

15      (c) DURATION.—Each grant under this section shall  
16      be for a period of not more than 5 years.

17      (d) TECHNICAL ASSISTANCE.—Each State receiving  
18      a grant under this section shall allocate at least 5 percent  
19      of the grant for technical assistance. The State shall use  
20      that allocation to work with universities or other non-prof-  
21      it research organizations that have expertise in perform-  
22      ance assessments for assistance in the development, imple-  
23      mentation, evaluation and improvement of State and local  
24      performance assessment systems. The universities and  
25      non-profit research organizations shall use the amounts to

1 develop tools States can use, such as various methods for  
2 weighting indicators used in the assessment and improve-  
3 ment system or means for evaluating assessments systems  
4 and the consequences of their use.

5 (e) ALLOWABLE USES.—

6 (1) IN GENERAL.—A grant under this section  
7 may be used for—

8 (A) developing, piloting, and validating  
9 performance assessments that are or will be in-  
10 corporated into their assessment systems;

11 (B) training teachers and school leaders to  
12 score such assessments; and

13 (C) developing and testing systems for au-  
14 diting or moderating the scoring process to en-  
15 sure reliability and validity of such assessments.

16 (2) SUBGRANTS.—The State may, pursuant to  
17 criteria established by the State, make subgrants to  
18 local educational agencies or schools to—

19 (A) develop and implement local perform-  
20 ance assessments; and

21 (B) train teachers and school leaders to  
22 score and use such assessments for tracking  
23 student progress and for guiding curriculum  
24 and instruction.

1           (3) FORMATIVE ASSESSMENTS.—A State, local  
2           educational agency, or school may use funds under  
3           this section to support the development and imple-  
4           mentation of formative assessments that are per-  
5           formance-based and that enable schools to provide  
6           detailed feedback to students and teachers to enable  
7           them to improve their learning and teaching.

8           (4) OTHER USES.—A State may retain a por-  
9           tion of the grant amounts to—

10                 (A) develop integrated State assessment  
11                 systems that incorporate and weight multiple  
12                 measures, including the results of periodic  
13                 standardized tests and State or local perform-  
14                 ance assessments;

15                 (B) collaborate with other States in shar-  
16                 ing knowledge on the development and use of  
17                 such systems and their assessment components;

18                 (C) provide assistance to local educational  
19                 agencies and schools in developing and imple-  
20                 menting their assessments; or

21                 (D) evaluate the local assessments.

22           (5) STATES THAT HAVE ALREADY BEGUN TO  
23           DEVELOP.—A State that has already begun to de-  
24           velop such a system is eligible under this section to  
25           strengthen or expand its local assessments.

1 (f) REQUIREMENTS.—Any State that receives funds  
2 under this section shall meet the following requirements:

3 (1) Ensure that high-quality professional devel-  
4 opment is available for educators to help develop and  
5 learn to use and score the assessments.

6 (2) Develop means to ensure that State and  
7 local assessments are aligned to learning standards,  
8 meet professional assessment standards, are unbi-  
9 ased, and valid for the purposes for which they will  
10 be used, and are scored reliably. These means shall  
11 include mechanisms for training scorers and pro-  
12 viding a process of expert review, auditing, or mod-  
13 eration to ensure the integrity of the scoring proc-  
14 ess.

15 (3) Develop means to integrate local perform-  
16 ance assessment results with those of State bench-  
17 mark examinations in the State accountability sys-  
18 tem for purposes of evaluating schools and student  
19 progress.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this sec-  
22 tion—

23 (1) \$200,000,000 for fiscal year 2008;

24 (2) \$200,000,000 for fiscal year 2009;

25 (3) \$200,000,000 for fiscal year 2010;



- 1 (4) \$200,000,000 for fiscal year 2011; and
- 2 (5) \$200,000,000 for fiscal year 2012.

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